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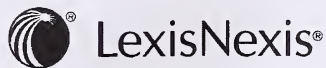
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TITLE 10

GENERAL ASSEMBLY

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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

10-2-132. People First advisory legisla-

tive sessions concerning disability issues.

A.C.R.C. Notes. Acts 2013, No. 2, § 4, provided: “SALARY LEVELS. The Speaker of the House of Representatives and the Chief of Staff or his designee shall, during the month of June, each fiscal year, meet and determine the actual salaries to be paid each employee beginning the following July 1. Such salaries of the employees will be based upon an evaluation of the performance of the Chief of Staff by the Speaker of the House of Representatives and upon an evaluation of the performance of the other employees by the Chief of Staff or his designee.”

Acts 2013, No. 1341, § 16, provided: “AUDIO/VISUAL POLICY. The appropriations provided herein to produce audio or video materials by or under the

direction of the House of Representatives shall not be used for the following:

“(a) A person may not use audio or video materials produced by or under the direction of the House of Representatives in political or campaign advertising.

“(b) A person may not use audio or video materials produced by or under the direction of the House of Representatives for a commercial purpose.

“(1) In this section, ‘commercial purpose’ means a purpose that is intended to result in a profit or other tangible benefit.

“(c) The House Management Committee may give permission to an entity to use the audio or video materials for public education governmental broadcast which shall not conflict with subsection (b).”

10-2-123. Institute of Legislative Procedure.

A.C.R.C. Notes. Acts 2013, No. 3, § 9, provided: “LEGISLATIVE INSTITUTE. Members of the preceding General Assembly and the newly elected members of the House of Representatives and Senate shall be eligible to attend the biennial

Institute of Legislative Procedure and shall be entitled, upon filing claim therefor, to per diem in the amount fixed by law for members of the General Assembly to receive for attendance at Legislative sessions, for each day in attending the bien-

nial Institute of Legislative Procedure plus mileage for traveling from their place

of residence to the biennial Institute of Legislative Procedure and return.”

10-2-125. Employees and officers.

A.C.R.C. Notes. Acts 2013, No. 1316, § 10, provided: “SALARIES. In order that exceptionally well-qualified personnel may be recruited and retained, the Senate may exceed the maximum salary levels by no more than twenty percent (20%) for no more than one-third ($\frac{1}{3}$) of the positions authorized in their operation appropriation act, and may exceed the maximum salary levels for the purpose of merit adjustments for all positions.”

Acts 2013, No. 1341, § 15, provided: “SALARIES. In order that exceptionally

well-qualified personnel may be recruited and retained, the House of Representatives may exceed the maximum salary levels by no more than twenty percent (20%) for no more than one-third ($\frac{1}{3}$) of the positions authorized in their operation appropriation act, may exceed the maximum salary levels for the purpose of merit adjustments for all positions, and may promote a maximum of two grades for no more than one-third ($\frac{1}{3}$) of the classified positions authorized in its operation appropriation act.”

10-2-132. People First advisory legislative sessions concerning disability issues.

Each biennium, the House of Representatives and the Senate shall establish a People First advisory legislative session concerning disability issues and authorize staff assistance to conduct the People First advisory legislative session.

History. Acts 2013, No. 769, § 1.

CHAPTER 3 COMMITTEES

SUBCHAPTER.

2. INTERIM COMMITTEES GENERALLY.
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23. ARKANSAS LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED CHILDREN ACT.
27. ARKANSAS HEALTH INSURANCE MARKETPLACE LEGISLATIVE OVERSIGHT COMMITTEE.

A.C.R.C. Notes. Acts 2013, No. 1060, § 1, provided: “Creation.

“(a) There is created the Arkansas Legislative Task Force for Review of Travel Restrictions For Sex Offenders.

“(b) The task force shall consist of the following members:

“(1) The Governor or the Governor’s designee;

“(2) The Chair of the House Committee on Judiciary or the chair’s designee;

“(3) The Chair of the Senate Committee on Judiciary or the chair’s designee;

“(4) The Chair of the Senate Committee on Children and Youth or the chair’s designee;

“(5) The Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs or the chair’s designee;

“(6) The Director of the Division of Children and Family Services of the De-

partment of Human Services or the director's designee;

"(7) The Director of the Division of Behavioral Health of the Department of Human Services or the director's designee;

"(8) The Director of the Division of Youth Services of the Department of Human Services or the director's designee;

"(9) The Director of the Administrative Office of the Courts or the director's designee;

"(10) The Chair of the Arkansas Coalition for Juvenile Justice or the chair's designee;

"(11) A sheriff appointed by the President of the Arkansas Sheriffs' Association and a chief of police appointed by the President of the Arkansas Association of Chiefs of Police;

"(12) The Director of the Department of Arkansas State Police or the director's designee;

"(13) The Chair of the State Child Abuse and Neglect Prevention Board or the chair's designee;

"(14) One (1) member of the Arkansas Child Abuse/Rape/Domestic Violence Commission appointed by the Chancellor of the University of Arkansas for Medical Sciences;

"(15) A public defender who regularly appears in a circuit court in the State of Arkansas appointed by the Director of the Arkansas Public Defender Commission;

"(16) A prosecutor who regularly appears in a circuit court in the State of Arkansas appointed by the Prosecutor Coordinator;

"(17) An attorney ad litem appointed by the Director of the Administrative Office of the Courts;

"(18) Two (2) members with specialized knowledge, skills, or experience in the area of criminal law concerning sex offenses to be appointed by the President Pro Tempore of the Senate;

"(19) Two (2) members with specialized knowledge, skills, or experience in the area of criminal law concerning sex offenses to be appointed by the Speaker of the House of Representatives; and

"(20) The Director of the Arkansas Crime Information Center or the director's designee.

"(c)(1) The Chair of the House Committee on Judiciary or the chair's designee shall call the first meeting within thirty (30) days of the effective date of this act

and shall serve as chair at the first meeting.

"(2) At the first meeting, the task force shall elect from its membership a chair and other officers as needed for the transaction of its business.

"(3)(A) The task force shall conduct its meetings at the State Capitol.

"(B) Meetings shall be held at least one (1) time every three (3) months but may occur more often at the call of the chair.

"(d) If any vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

"(e) The task force shall establish rules and procedures for conducting its business.

"(f) Members of the task force shall serve without compensation but may receive expense reimbursement according to § 25-16-902 if an appropriation is made for that purpose and funds are available.

"(g) A majority of the members of the task force constitutes a quorum for transacting any business of the task force.

"(h) The Bureau of Legislative Research shall provide staff for the task force."

Acts 2013, No. 1060, § 2, provided: "Duties.

"(a) The Arkansas Legislative Task Force for Review of Travel Restrictions For Sex Offenders shall:

"(1) Examine how the State of Arkansas monitors and tracks registered sex offenders within its borders as well as registered sex offenders who travel to or through Arkansas from another state;

"(2) Determine the best practices to monitor and track the travel of registered sex offenders by conducting national research or by using other methods;

"(3) Recommend more efficient methods of distributing and spending limited public moneys to prevent improper or illegal travel by registered sex offenders;

"(4) Recommend to the General Assembly specific changes to the law in the form of bill drafts that will enable law enforcement to monitor and track the travel of registered sex offenders in the State of Arkansas; and

"(5) Provide the Legislative Council with a written explanation of the recommended legislative changes.

"(b) The task force shall make its final report and recommendations for proposed

legislation to the Legislative Council no later than October 1, 2014.

“(c) The task force is dissolved on June 30, 2015.”

Acts 2013, No. 1082, § 1, provided: “Title.

“This act shall be known as the ‘Vision 2025 Legislative Commission on the Future of Higher Education’.”

Acts 2013, No. 1082, § 2, provided: “Creation.

“(a) There is created the Vision 2025 Legislative Commission on the Future of Higher Education.

“(b) The Vision 2025 Legislative Commission on the Future of Higher Education shall consist of the following twenty-four (24) members:

“(1) The Governor or the Governor’s designee;

“(2) The Chair of the House Committee on Education or the chair’s designee;

“(3) The Chair of the Senate Committee on Education or the chair’s designee;

“(4) The Vice-chair of the House Committee on Education;

“(5) The Vice-chair of the Senate Committee on Education;

“(6) The Chair of the Higher Education Subcommittee of the Legislative Council or the chair’s designee;

“(7) The Commissioner of Education or the commissioner’s designee;

“(8) The Director of the Arkansas Economic Development Commission or the director’s designee;

“(9) The Director of the Department of Career Education or the director’s designee;

“(10) The Director of the Department of Higher Education or the director’s designee;

“(11) The Executive Director of the Arkansas Association of Two-Year Colleges or the executive director’s designee;

“(12) A university president or chancellor appointed by the Governor;

“(13) A representative from the Arkansas Association of Independent Colleges and Universities;

“(14) A representative from a historically minority serving university or college in the state, appointed by the Governor;

“(15) A representative from the Arkansas State Chamber of Commerce;

“(16) A representative from the membership of a labor union appointed by the Governor;

“(17) A representative from the Winthrop Rockefeller Foundation;

“(18) A representative from the Arkansas Advocates for Children and Families;

“(19) Three (3) representatives from the community at large appointed by the Governor, such as students, parents, and grandparents with an interest in higher education; and

“(20) Three (3) representatives that reflect the demographics of the state appointed by the Governor.

“(c)(1) The Chair of the Senate Committee on Education or the chair’s designee shall call the first meeting of the Vision 2025 Commission on the Future of Higher Education within thirty (30) days of the effective date of this act and shall serve as the chair at the first meeting.

“(2) At the first meeting of the Vision 2025 Legislative Commission on the Future of Higher Education, the Vision 2025 Legislative Commission on the Future of Higher Education members shall elect a chair from its legislative membership.

“(3)(A) The Vision 2025 Legislative Commission on the Future of Higher Education shall conduct its meetings in Pulaski County at the State Capitol or other locations in the state as determined by the chair.

“(B) At least one (1) meeting shall be held every three (3) months but may occur more often as determined by the chair.

“(d) If a vacancy occurs on the Vision 2025 Legislative Commission on the Future of Higher Education, the vacancy shall be filled by the same process as the original appointment.

“(e) The Vision 2025 Legislative Commission on the Future of Higher Education shall establish rules and procedures for conducting the business of the Vision 2025 Legislative Commission on the Future of Higher Education.

“(f) Members of the Vision 2025 Legislative Commission on the Future of Higher Education shall serve without compensation but may receive reimbursement according to § 25-16-902.

“(g) The Vision 2025 Legislative Commission on the Future of Higher Education may expend funds and resources in carrying out the commission’s purpose and responsibilities that are appropriated and funded to the commission by the General Assembly.

“(h) A majority of the members of the

Vision 2025 Legislative Commission on the Future of Higher Education shall constitute a quorum for transacting business of the Vision 2025 Legislative Commission on the Future of Higher Education.

“(i) The Bureau of Legislative Research shall provide staff for the Vision 2025 Legislative Commission on the Future of Higher Education.”

Acts 2013, No. 1082, § 3, provided: “Purpose and responsibilities.

“(a)(1) The Vision 2025 Legislative Commission on the Future of Higher Education shall study, research, and brainstorm ways in which higher education can transform and positively impact the state by 2025 and beyond 2025.

“(2) As a part of the commission’s duty to study, research, and brainstorm ways in which higher education can transform and positively impact the state, the commission shall:

“(A) Explore what is required to:

“(i) Create a culture of college success as fundamental expectation for all students; and

“(ii) Reach the Governor’s 2025 goal of the number of Arkansans with a degree or certificate from an institution of higher education;

“(B) Identify the role that higher education plays in:

“(i) Improving the quality of life for all Arkansans; and

“(ii) Contributing to economic opportunity and expansion;

“(C) Study barriers that impede access to higher education and ways to remove them, including without limitation;

“(i) The cost of tuition, fees, and room and board;

“(ii) Scholarship and grant funding availability; and

“(iii) Affordability, including ways to promote and encourage families to save for college; and

“(D) Identify how research opportunities can aid the state in achieving and surpassing the Governor’s 2025 goals and beyond, including the identification of clear strategies to attract research opportunities to the state.

“(b)(1) The commission shall develop a progress report and a final report that includes a set of recommendations for the General Assembly that will detail the work of the commission required under subsection (a) of this section.

“(2)(A) The commission shall present the progress report and the final report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Agriculture, Forestry, and Economic Development, the Senate Committee on Agriculture, Forestry, and Economic Development, and the public.

“(B) The progress report is due no later than April 30, 2014 and the final report is due no later than October 15, 2014.”

Acts 2013, No. 1082, § 4, provided: “Expiration of the Vision 2025 Legislative Commission on the Future of Higher Education.

“The Vision 2025 Legislative Commission on the Future of Higher Education shall cease to exist on January 1, 2017.”

Acts 2013, No. 1171, § 1, provided: “The Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Creation — Membership.

“(a) There is created the ‘Legislative Arkansas Blue Ribbon Committee on Local 911 Systems’.

“(b)(1) The committee shall consist of the following members who are residents of this state:

“(A) One (1) member who is the Director of the Association of Arkansas Counties or the director’s designee;

“(B) One (1) member who is the Director of the Arkansas Department of Emergency Management or the director’s designee;

“(C) One (1) member who is an elected county judge to be appointed by the President Pro Tempore of the Senate;

“(D) Two (2) members who are both currently serving as state senators to be appointed by the President Pro Tempore of the Senate;

“(E) One (1) consumer member to be appointed by the President Pro Tempore of the Senate;

“(F) One (1) member who is currently serving as a mayor to be appointed by the Speaker of the House of Representatives;

“(G) Two (2) members who are both currently serving as state representatives to be appointed by the Speaker of the House of Representatives; and

“(H) One (1) consumer member to be appointed by the Speaker of the House of Representatives.

“(2) If any vacancy occurs on the committee, the vacancy shall be filled by the same process as the original appointment.

“(c)(1) The President Pro Tempore of the Senate shall appoint one (1) of the Senators who is a member of the committee as cochair and the Speaker of the House of Representatives shall appoint one (1) of the Representatives who is a member of the committee as cochair.

“(2) The first and subsequent meetings shall be at the call of the cochairs at a location within the state at the call of the cochairs.

“(3) The committee shall establish rules and procedures for conducting its business.

“(4) A majority of the members of the committee shall constitute a quorum for transacting business of the committee.

“(d)(1) The committee may create advisory task forces as it deems necessary.

“(2) The members of the task forces or other persons drawn from outside the committee or task force shall serve at the pleasure of the committee.”

Acts 2013, No. 1171, § 2, provided: “Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Duties.

“The Legislative Arkansas Blue Ribbon Committee on Local 911 Systems shall:

“(1) Perform a detailed and comprehensive study of local 911 systems across the State of Arkansas;

“(2) Seek input from all appropriate sources including state, county, and municipal elected officials to determine the current state of local 911 systems across the State of Arkansas;

“(3) Research the number, location, staffing, and equipment of each Public Safety Answering Point or “PSAP” in every county in the state;

“(4) Determine if there are local 911 systems with overlap and inefficiencies within the counties of this state;

“(5) Identify all current funding for 911 systems;

“(6) Identify all training that is required or available for 911 personnel within this state;

“(7) Obtain research and information from within this state and other states related to 911 systems;

“(8) Consider appropriate solutions that provide a statewide 911 network that is efficient and effective; and

“(9) Make recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives.”

Acts 2013, No. 1171, § 3, provided: “Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Report — Recommendations.

“(a) The Legislative Arkansas Blue Ribbon Committee on Local 911 Systems shall submit a report and its recommendations on or before September 1, 2014.

“(b) The report shall be submitted to:

“(1) The Governor;

“(2) The President Pro Tempore of the Senate; and

“(3) The Speaker of the House of Representatives.”

Acts 2013, No. 1171, § 4, provided: “Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Staff support.

“The Arkansas Department of Emergency Management and the Bureau of Legislative Research shall provide staff support for the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems.”

Acts 2013, No. 1171, § 5, provided: “Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Per diem.

“Legislative and nonlegislative members of the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems are entitled to per diem and mileage at the same rate authorized by law for attendance at meetings of interim committees of the General Assembly and shall be paid from the funds in the Arkansas 911 Rural Enhancement Program Cash Fund at the Arkansas Department of Emergency Management, if funds are available.”

Acts 2013, No. 1171, § 6, provided: “Legislative Arkansas Blue Ribbon Committee on Local 911 Systems — Expiration.

“The Legislative Arkansas Blue Ribbon Committee on Local 911 Systems expires on January 1, 2015.”

Acts 2013, No. 1425, § 1, provided: “Legislative Task Force on the Taxation of Nonalcoholic Beverages — Creation.

“(a) There is established a legislative task force to be known as the ‘Legislative Task Force on the Taxation of Nonalcoholic Beverages’.

“(b) The task force shall be composed of the following members:

“(1) Five (5) members appointed by the President Pro Tempore of the Senate as follows:

“(A) Two (2) members of the Senate, one of whom shall be appointed to serve as cochair of the task force;

“(B) One (1) representative of a retail chain operating in the state;

“(C) One (1) owner or operator of a fast food restaurant located in the state; and

“(D) One (1) owner or operator of a full-service restaurant located in the state;

“(2) Five (5) members appointed by the Speaker of the House of Representatives as follows:

“(A) Two (2) members of the House of Representatives, one of whom shall be appointed to serve as cochair of the task force;

“(B) One (1) wholesaler actively engaged in the soft drink industry in the state;

“(C) One (1) owner or operator of a fast food restaurant located in the state; and

“(D) One (1) owner or operator of a full-service restaurant located in the state;

“(3) The Executive Director of the Arkansas Hospitality Association;

“(4) The Chancellor of the University of Arkansas for Medical Sciences or his or her designee;

“(5) The Director of the Department of Human Services or his or her designee; and

“(6) One (1) representative of an organization that receives funds from the taxes imposed on nonalcoholic beverages, who shall be appointed by the cochair of the task force.

“(c) The task force shall:

“(1) Meet at a location within the state at the call of the cochair; and

“(2) Establish rules and procedures for conducting the business of the task force.

“(d) Legislative members of the task force are entitled to per diem and mileage at the same rate authorized by law for attendance at meetings of interim committees of the General Assembly.

“(e) The task force shall receive staff support from the Bureau of Legislative Research.

“(f) Vacancies on the task force shall be filled in the same manner as provided for the initial appointment.”

Acts 2013, No. 1425, § 2, provided: “Duties.

“The Legislative Task Force on the Taxation of Nonalcoholic Beverages shall:

“(1) Perform a detailed and comprehensive study of the wholesale taxes imposed on nonalcoholic beverages in the state,

including without limitation the taxes levied under the Arkansas Soft Drink Tax Act, § 26-57-901 et seq.;

“(2) Seek input and gather information from appropriate sources to enable the task force to fulfill its duties under this section; and

“(3) Report the written findings and recommendations of the task force to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before September 1, 2014.”

Acts 2013, No. 1425, § 3, provided: “Expiration.

“The Legislative Task Force on the Taxation of Nonalcoholic Beverages shall expire on January 1, 2015.”

Acts 2013, No. 1430, § 1, provided: “Legislative Task Force on Intermodal Transportation and Commerce.

“(a) The Legislative Task Force on Intermodal Transportation and Commerce is created.

“(b) The task force shall consist of the following members who shall be appointed by December 1, 2013:

“(1) One (1) member of the Senate to be appointed as co-chair of the task force by the President Pro Tempore of the Senate;

“(2) One (1) member of the House of Representatives to be appointed as co-chair of the task force by the Speaker of the House of Representatives;

“(3) Two (2) members of the House Committee on Public Transportation to be appointed by the Chair of the House Committee on Public Transportation;

“(4) Two (2) members of the Senate Committee on Public Transportation, Technology, and Legislative Affairs to be appointed by the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs;

“(5) Two (2) members of the Arkansas-Oklahoma Port Operators Association, one (1) to be appointed by the Speaker of the House of Representatives and one (1) by the President Pro Tempore of the Senate;

“(6) The Executive Director of the Arkansas Waterways Commission;

“(7) The Director of State Highways and Transportation of the Arkansas State Highway and Transportation Department or his or her designee;

“(8) The Commissioner of State Lands or his or her or her designee;

“(9) A representative of the Arkansas Trucking Association to be appointed by the President Pro Tempore of the Senate;

“(10) A representative of the railroad industry to be appointed by the Speaker of the House of Representatives; and

“(11) Two (2) representatives of a local regional intermodal transportation authority to be appointed by the commissioner of state lands.

“(c) A vacancy on the task force shall be filled in the same manner as the initial appointment.

“(d) The Bureau of Legislative Research shall provide staff support for the task force.

“(e) The task force shall:

“(1) Study issues relating to intermodal transportation and commerce policy for review, consideration, and implementation by the General Assembly.

“(2) Develop specific recommendations relating to intermodal transportation and commerce for review, consideration, and implementation by the General Assembly; and

“(3) Report its findings and recommendations between November 15, 2014 and December 15, 2014, to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs.

“(f) Legislative members of the task force shall be paid per diem and mileage in the manner authorized by law for attendance at meetings of interim committees of the General Assembly.

“(g) The task force shall expire on the earlier of:

“(1) The day after reporting its findings and recommendations under subdivision (e)(3) of this section; or

“(2) December 16, 2014.”

SUBCHAPTER 2 — INTERIM COMMITTEES GENERALLY

SECTION.

10-3-208. [Repealed.]

10-3-203. Interim committees established — Members — Jurisdiction.

A.C.R.C. Notes. Acts 2013, No. 1024, § 3, provided: “The Arkansas Tobacco Settlement Commission shall file a quarterly progress report to the Public Health, Welfare and Labor Committees and shall hire an independent third party to perform monitoring and evaluation of program expenditures made from tobacco settlement funds. This independent third party shall have appropriate experience in health, preventive resources, health statistics and evaluation expertise. The third

party retained to perform such services shall prepare a biennial report to be delivered to the General Assembly and the Governor by each August 1 preceding a regular session of the General Assembly. The report shall be accompanied by a recommendation from the Arkansas Tobacco Settlement Commission as to the continued funding for each program.

“The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.”

10-3-208. [Repealed.]

Publisher’s Notes. This section, concerning subpoenas, was repealed by Acts 2013, No. 1465, § 1. The section was de-

rived from Acts 1973, No. 90, § 11; A.S.A. 1947, § 4-1010; Acts 2009, No. 1465, § 6.

SUBCHAPTER 3 — LEGISLATIVE COUNCIL

SECTION.

10-3-309. Review of state agency rules, regulations, amendments, revisions, etc.

SECTION.

10-3-314. [Repealed.]

A.C.R.C. Notes. Acts 2013, No. 107, § 1, provided:

“(a) The Legislative Council shall conduct a study, or request that the Senate Committee on Education and the House Committee on Education conduct a study, of public school facilities, personnel, and policies to determine the readiness and capabilities of public schools in this state that enroll students in pre-kindergarten through grade twelve (PreK-12) to prevent and respond adequately to acts of violence against students and school personnel on a school campus.

“(b) By September 1, 2014, the Legisla-

tive Council or the Senate Education Committee shall report to the Senate Committee on Education and the House Committee on Education its findings and recommendations for:

“(1) The best practices for public schools to develop and maintain readiness and capabilities to prevent and respond adequately to acts of violence against students and school personnel on a school campus; and

“(2) Any needed improvements to the readiness and capabilities of Arkansas public schools identified in the study.”

10-3-309. Review of state agency rules, regulations, amendments, revisions, etc.

(a)(1)(A) In the passage of this section, the General Assembly is aware of the significant number of laws which have been enacted granting to boards, commissions, departments, and administrative agencies of state government the authority to promulgate and enforce rules and regulations.

(B) The General Assembly is further aware that ample safeguards have not been established whereby the General Assembly may be informed of circumstances in which administrative rules and regulations do not conform to legislative intent.

(2) It is the purpose of this section to establish a method for continuing legislative review of such rules and regulations whereby the General Assembly at each legislative session may take remedial steps to correct abuses of rulemaking authority or clarify legislative intent with respect to the rulemaking authority granted the administrative boards, commissions, departments, or agencies.

(b)(1)(A) Whenever a state agency finalizes the promulgation of a rule or regulation or a revision, amendment, or change in the regulation, a copy shall be filed with the Bureau of Legislative Research if the rule or regulation contains any changes from the initial filing of the rule or regulation.

(B) A state agency shall notify the Legislative Council of its intention to repeal any rule or regulation which is on file with the bureau.

(2) As used in this section, “state agency” means any office, board, commission, department, council, bureau, or other agency of state government having authority by statute enacted by the General Assembly to promulgate or enforce the administrative rules and regulations.

(c)(1) The research staff of the bureau shall study and review all current rules, or proposed rules, and all adopted amendments and revisions of rules by state agencies and shall report to the Legislative Council in regard to them.

(2) The Legislative Council shall act in an advisory capacity to the General Assembly with respect to administrative rules and procedures and shall report to the General Assembly at each regular session all administrative rules and regulations which the Legislative Council believes to be contrary to legislative intent or promulgated without legislative authority.

(d)(1)(A) The Legislative Council may selectively review possible, proposed, or adopted rules and regulations and prescribe appropriate Legislative Council procedures for that purpose.

(B) The Legislative Council may receive and investigate complaints from members of the public with respect to possible, proposed, or adopted rules and regulations and hold public proceedings on those complaints.

(2)(A) The Legislative Council may request a representative of an agency whose possible, proposed, or adopted rule or regulation is under examination to attend a Legislative Council meeting and answer relevant questions.

(B) The Legislative Council may also communicate to the agency its nonbinding comments on any possible, proposed, or adopted rule or regulation and request the agency to respond to them in writing.

(3)(A) The Legislative Council may recommend and refer the recommendation to the appropriate committee or committees of the General Assembly:

(i) Enactment of a statute to improve the operation of an agency; and

(ii) That a particular rule or regulation be superseded in whole or in part by statute.

(B) Subdivision (d)(3)(A) of this section does not preclude any committee of the General Assembly from reviewing a rule or regulation on its own motion or recommending that it be superseded in whole or in part by statute.

(4)(A)(i) If the Legislative Council considers all or any portion of a rule or regulation to be beyond the procedural or substantive authority delegated to the adopting agency, the Legislative Council may file notice of that with the agency issuing the rule or regulation in question.

(ii) The notice shall contain a concise statement detailing the precise reasons that the Legislative Council considers the rule or regulation, or portion thereof, to be beyond the procedural or substantive authority delegated to the agency.

(B) The Legislative Council shall maintain a permanent register open to public inspection of all notices.

(C)(i) Within thirty (30) calendar days after the filing of an objection by the Legislative Council to a rule or regulation, the issuing agency shall respond in writing to the Legislative Council.

(ii) After receipt of the response, the Legislative Council may withdraw or modify its findings.

(D) The failure of the Legislative Council to file a notice regarding a rule or regulation is not an implied legislative authorization of its procedural or substantive validity.

(5) The Legislative Council may make nonbinding recommendations to an agency that it adopt a rule or regulation.

(e)(1)(A) Before any rule or regulation of any state agency may be revised, promulgated, amended, or changed, a copy of the rule or amendment to existing rules and a financial impact statement shall be filed with the bureau at least thirty (30) days before the expiration of the period for public comment on the rule pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other acts pertaining to the rule-making authority of that agency.

(B) The scope of the financial impact statement shall be as provided under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and shall include without limitation the estimated cost of complying with the rule or regulation and the estimated cost for the agency to implement the rule or regulation.

(2) The bureau shall review the proposed revised or amended rule or regulation and, if it is believed that the rule or regulation is contrary to legislative intent, shall file a statement thereof with the Legislative Council.

(3) Filings under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and any comment on the proposed rule or regulation prepared by the bureau shall be submitted to the Legislative Council at the next regular meeting following its filing with the Legislative Council.

(f)(1) In addition, before any rule or regulation of any state agency may be revised, promulgated, amended, or changed, a copy of the rule or amendment to existing rules shall be filed with the interim committees of the General Assembly having responsibility for review of that agency under Acts 1977, No. 100.

(2) The filing shall be made at least thirty (30) days before the expiration of the period for public comment on the rule, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other acts pertaining to the rulemaking authority of the agency.

(g)(1) The Joint Budget Committee shall establish the Administrative Rule and Regulation Review Subcommittee.

(2)(A) The Administrative Rule and Regulation Review Subcommittee shall consist of twenty-two (22) members of the General Assembly.

(B)(i) Nine (9) members of the Administrative Rule and Regulation Review Subcommittee shall be appointed by the Senate Cochair of the Joint Budget Committee.

(ii) The Senate Cochair of the Joint Budget Committee shall designate one (1) of his or her appointees as Senate Cochair of the Administrative Rule and Regulation Review Subcommittee.

(C)(i) Nine (9) members of the Administrative Rule and Regulation Review Subcommittee shall be appointed by the House Cochair of the Joint Budget Committee.

(ii) The House Cochair of the Joint Budget Committee shall designate one (1) of his or her appointees as House Cochair of the Administrative Rule and Regulation Review Subcommittee.

(3) The cochair and co-vice chairs of the Legislative Council shall be ex officio members of the Administrative Rule and Regulation Review Subcommittee.

(4)(A) The Administrative Rule and Regulation Review Subcommittee may meet only during a regular, fiscal, or extraordinary session of the General Assembly.

(B) The Administrative Rule and Regulation Review Subcommittee shall meet at the call of the cochair of the Administrative Rule and Regulation Review Subcommittee.

(5)(A) During a regular, fiscal, or extraordinary session of the General Assembly, the Administrative Rule and Regulation Review Subcommittee may perform the functions assigned to the Legislative Council under this section.

(B) Actions taken by the Administrative Rule and Regulation Review Subcommittee under subdivision (g)(5)(A) of this section have the same effect as actions taken by the Legislative Council under this section.

(C) If the Administrative Rule and Regulation Review Subcommittee meets during a regular, fiscal, or extraordinary session of the General Assembly, the Administrative Rule and Regulation Review Subcommittee shall file a report of its actions with the Legislative Council as soon as practicable.

History. Acts 1973, No. 583, §§ 1, 2, 4-6; 1979, No. 136, § 1; A.S.A. 1947, §§ 6-608, 6-608n, 6-610 — 6-612; Acts 1987, No. 85, § 1; 1995, No. 884, §§ 4, 5; 1995, No. 1104, § 2; 1997, No. 1354, § 15; 2001, No. 983, § 1; 2006 (1st Ex. Sess.), No. 38, § 2; 2011, No. 273, § 1; 2013, No. 759, § 2.

Amendments. The 2013 amendment in (e)(1)(B), substituted “as provided un-

der the Arkansas Administrative Procedure Act, § 25-15-201 et seq.” for “determined by the agency” and substituted “without limitation” for “at a minimum”; deleted (e)(1)(C) and (D); and substituted “Filings under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.” for “In either event, the proposed rule or regulation”.

10-3-314. [Repealed.]

Publisher's Notes. This section, concerning report on claim filed with Arkansas State Claims Commission, was repealed by Acts 2013, No. 1161, § 1. This section was derived from Acts 1995, No.

607, § 27; 1995, No. 993, § 9; 1995 (1st Ex. Sess.), No. 16, § 20; 1997, No. 264, § 1; 2009, No. 605, § 13; 2009, No. 606, § 13; 2011, No. 777, § 1.

SUBCHAPTER 9 — JOINT PERFORMANCE REVIEW COMMITTEE

SECTION.

10-3-903. [Repealed.]

10-3-903. [Repealed.]

Publisher's Notes. This section, concerning employment of personnel, was repealed by Acts 2013, No. 1465, § 2. The section was derived from Acts 1977, No. 392, § 4; A.S.A. 1947, § 4-1016.

SUBCHAPTER 11 — JOINT INTERIM COMMITTEE ON LEGISLATIVE FACILITIES**SECTION.**

10-3-1104. Powers and duties.

10-3-1110. [Repealed.]

10-3-1104. Powers and duties.

(a) The Joint Interim Committee on Legislative Facilities shall review the existing usage of the space presently used by the General Assembly in the State Capitol Building and shall make such reallocations thereof or improvements thereto as in the judgment of the Joint Interim Committee on Legislative Facilities are necessary to serve the needs of the Senate and the House of Representatives, their respective standing committees, and the several interim committees of the General Assembly and legislative staff services.

(b) The Joint Interim Committee on Legislative Facilities may undertake any or all of the improvements contemplated in this subchapter after conferring with the Legislative Council, the agencies affected, and the Governor, giving due consideration to the needs and convenience of the several state agencies presently housed in the State Capitol Building in space to be converted to legislative use, and especially after considering the plans for providing space for the agencies in a state office building, and may undertake improvements as a single project or in a series of projects as the Joint Interim Committee on Legislative Facilities may determine to be in the best interest of the General Assembly.

(c) [Repealed.]

History. Acts 1973, No. 572, § 3; A.S.A. 1947, § 4-141; Acts 1997, No. 1354, § 23; 2013, No. 1465, § 3.

Amendments. The 2013 amendment repealed subsection (c).

10-3-1110. [Repealed.]

Publisher's Notes. This section, concerning disbursing agent, was repealed by Acts 2013, No. 1465, § 4. The section was

derived from Acts 1973, No. 572, § 3; A.S.A. 1947, § 4-141.

SUBCHAPTER 13 — SENATE INTERIM COMMITTEE ON CHILDREN AND YOUTH

A.C.R.C. Notes. Acts 2013, No. 1257, § 3, provided: "Establishment of an interim study.

"(1) The Senate Interim Committee on

Children and Youth shall conduct an interim study on the problem of child sex trafficking and the commercial sexual exploitation of children in Arkansas.

“(2) The committee shall:

“(A) Invite the following entities to participate in the study:

“(i) Members of the law enforcement community;

“(ii) Representative of the Arkansas Prosecuting Attorneys Association;

“(iii) Representatives of the Department of Human Services;

“(iv) Representatives of the Administrative Office of the Courts; and

“(v) Victim-service providers and advocates; and

“(B) Make a report by July 1, 2014, to the Senate on the issue of child sex trafficking and the commercial sexual exploitation of children, to include the following:

“(i) A proposed state plan for providing adequate services for sexually exploited children;

“(ii) Recommendations for changes in state law, policies and procedures; and

“(iii) Any appropriations necessary to allow the applicable agencies to better serve and protect this victim population.”

SUBCHAPTER 14 — OFFICE OF ECONOMIC AND TAX POLICY

SECTION.

10-3-1404. Forecast of general revenues.

10-3-1404. Forecast of general revenues.

(a)(1) On or before the first Wednesday in May before the beginning of each fiscal year, the Chief Fiscal Officer of the State shall submit to the Joint Committee on Economic and Tax Policy the following forecasts of general revenues to be available under the Revenue Stabilization Law, § 19-5-101 et seq.:

(A) The official forecast for the upcoming fiscal year, including any revisions necessitated by the revised forecast required under subdivision (a)(1)(B) of this section; and

(B) A revised forecast for the current fiscal year.

(2)(A) The Joint Committee on Economic and Tax Policy may hold meetings and hearings and request such information, data, or studies as it deems necessary.

(B) Upon hearing evidence and information regarding the outlook for state revenues, the Joint Committee on Economic and Tax Policy shall make its findings on the forecasts of general revenues available for distribution.

(3) A report of the Joint Committee on Economic and Tax Policy's findings shall be sent to the Chief Fiscal Officer of the State.

(b) If the Chief Fiscal Officer of the State determines it has become necessary to change either forecast of general revenues available for distribution, the Chief Fiscal Officer of the State shall report the expected change in forecast to the Office of Economic and Tax Policy and the Joint Committee on Economic and Tax Policy with an explanation of the need for the change.

History. Acts 1993, No. 1274, § 3; 2013, No. 1224, § 1.

Amendments. The 2013 amendment rewrote (a)(1); in (a)(2)(B), deleted “the members of” preceding “the Joint Com-

mittee” and substituted “forecast” for “forecasts”; and, in (b), substituted “In the event the Chief” for “If the Chief” and “change the forecast” for “change either forecast”.

SUBCHAPTER 15 — DESEGREGATION LITIGATION — LEGISLATIVE OVERSIGHT

SECTION.

10-3-1505. [Repealed.]

10-3-1505. [Repealed.]

Publisher's Notes. This section, concerning comprehensive study, was repealed by Acts 2013, No. 1465, § 5. The section was derived from Acts 2005, No. 1940, § 1.

SUBCHAPTER 21 — CONTINUING ADEQUACY EVALUATION ACT OF 2004

SECTION.

10-3-2103. Investigations.

10-3-2103. Investigations.

(a) The House Committee on Education and the Senate Committee on Education shall have the authority to conduct investigations pertaining to the effectiveness of any and all education programs of:

- (1) Any school;
- (2) Any school district;
- (3) Any service cooperative;
- (4) Any institution;
- (5) The Department of Education or its successors; or
- (6) The State Board of Education or any department under the board's authority.

(b)(1) In connection with any investigation, the House Committee on Education and the Senate Committee on Education shall have the right and the power to subpoena witnesses and to issue subpoena duces tecum, pursuant to § 10-2-307.

(2) The chairs and the cochairs of the House Committee on Education and the Senate Committee on Education are authorized to administer oaths.

History. Acts 2003 (2nd Ex. Sess.), No. 57, § 1; 2013, No. 1465, § 6. substituted “§ 10-2-307” for “§ 10-3-208” in (b)(1).

Amendments. The 2013 amendment

SUBCHAPTER 23 — ARKANSAS LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED CHILDREN ACT

SECTION.

10-3-2302. Creation.

10-3-2302. Creation.

(a) There is created the Arkansas Legislative Task Force on Abused and Neglected Children.

(b) The task force shall consist of the following members:

- (1) The Governor or the Governor's designee;

- (2) The Chair of the House Committee on Public Health, Welfare, and Labor or the chair's designee;
- (3) The Chair of the Senate Committee on Public Health, Welfare, and Labor or the chair's designee;
- (4) The Chair of the Senate Interim Committee on Children and Youth or the chair's designee;
- (5) The Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs or the chair's designee;
- (6) The Director of the Division of Children and Family Services of the Department of Human Services or the director's designee;
- (7) The Director of the Division of Behavioral Health Services of the Department of Human Services or the director's designee;
- (8) The Director of the Division of Youth Services of the Department of Human Services or the director's designee;
- (9) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or the director's designee;
- (10) The Director of the Administrative Office of the Courts or the director's designee;
- (11) The Chair of the Arkansas Coalition for Juvenile Justice Board or the chair's designee;
- (12) A sheriff to be appointed by the President of the Arkansas Sheriffs' Association;
- (13) The Director of the Department of Arkansas State Police or the director's designee;
- (14) The Chair of the State Child Abuse and Neglect Prevention Board or the chair's designee;
- (15) One (1) member of the Arkansas Child Abuse/Rape/Domestic Violence Commission to be appointed by the Chancellor of the University of Arkansas for Medical Sciences;
- (16) A public defender who regularly appears in the juvenile division of a circuit court in the State of Arkansas to be appointed by the Director of the Arkansas Public Defender Commission;
- (17) A prosecutor who regularly appears in the juvenile division of a circuit court in the State of Arkansas to be appointed by the Prosecutor Coordinator;
- (18) An attorney ad litem to be appointed by the Director of the Administrative Office of the Courts;
- (19) A physician with special knowledge and experience in the treatment of children who have been abused or neglected;
- (20) The Chief of Staff of Arkansas Children's Hospital or his or her designee;
- (21) Two (2) members to be appointed by the President Pro Tempore of the Senate with specialized knowledge, skills, or experience in the area of child welfare or the prevention of child abuse and neglect;
- (22) Two (2) members to be appointed by the Speaker of the House of Representatives with specialized knowledge, skills, or experience in the area of child welfare or the prevention of child abuse and neglect;

(23) Four (4) members to be appointed by the Governor;

(24) Chief Counsel of the Department of Human Services or his or her designee;

(25) A representative or an employee of a child advocacy center in the state;

(26) A representative of the Arkansas Bar Association chosen by the Arkansas Bar Association; and

(27) The President of the Arkansas Counseling Association or his or her designee who shall be a member of the Arkansas Counseling Association.

(c)(1) The Chair of the Senate Interim Committee on Children and Youth or the chair's designee shall call the first meeting within ninety (90) days of the adjournment of the regular session of the General Assembly and shall serve as chair at the first meeting.

(2) At the first meeting, the members of the task force shall elect from its membership a chair and other officers as needed for the transaction of its business.

(3)(A) The task force shall conduct its meetings in Pulaski County at the State Capitol unless another location is approved by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

(B) Meetings shall be held at least one (1) time every three (3) months, but may occur more often at the call of the chair.

(d) If any vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

(e) The task force shall establish rules and procedures for conducting its business.

(f)(1) Nonlegislator members of the task force shall serve without compensation.

(2) Legislator members shall be entitled to reimbursement for per diem and mileage at the same rate and from the same source as provided by law for members of the General Assembly attending meetings of interim committees.

(3) The task force may be allowed study expenses for the calling of expert witnesses to testify, if the expenditure is approved by the Legislative Council. If the expenditure is approved, payment shall be made by the Bureau of Legislative Research from the appropriation for interim committee study expenses.

(g) A majority of the members of the task force shall constitute a quorum for transacting any business of the task force.

(h) The bureau shall provide staff for the task force.

(i) The task force shall submit its final report to the House Committee on Public Health, Welfare, and Labor; the Senate Committee on Public Health, Welfare, and Labor; the House Committee on Aging, Children and Youth, Legislative and Military Affairs; and the Senate Interim Committee on Children and Youth. The final report shall be submitted no later than November 30, 2008.

(j) The task force shall cease to exist on June 30, 2015, and this section shall expire on June 30, 2015.

History. Acts 2005, No. 2000, § 1; 2007, No. 1035, § 1; 2009, No. 494, § 1; 2011, No. 1149, §§ 1–3; 2013, No. 149, §§ 1, 2; 2013, No. 980, § 5.

Amendments. The 2013 amendment by No. 149 added (b)(27); and substituted

“June 30, 2015” for “June 30, 2013” twice in (j).

The 2013 amendment by No. 980 substituted “Mental” for “Behavioral” in (b)(7).

SUBCHAPTER 27 — ARKANSAS HEALTH INSURANCE MARKETPLACE LEGISLATIVE OVERSIGHT COMMITTEE

SECTION.

10-3-2701. Arkansas Health Insurance

Marketplace Legislative
Oversight Committee.

Effective Dates. Acts 2013, No. 1500, § 5: Apr. 23, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the federal healthcare laws established by Pub. L. No. 111-148, as amended by Pub. L. No. 111-152, allow each state to establish a health insurance marketplace or opt to participate in a health insurance marketplace operated by the United States Department of Health and Human Services; that the state has elected to create a state-based marketplace effective on July 1, 2015; and that this act should become effective at the earliest opportu-

nity to begin the process of planning for the implementation of a state-based marketplace and transitioning to a state-based marketplace. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

10-3-2701. Arkansas Health Insurance Marketplace Legislative Oversight Committee.

(a) The Arkansas Health Insurance Marketplace Legislative Oversight Committee is established.

(b)(1) The Arkansas Health Insurance Marketplace Legislative Oversight Committee shall consist of the following members of the General Assembly appointed as follows:

(A) Six (6) members of the House of Representatives shall be appointed to the Arkansas Health Insurance Marketplace Legislative Oversight Committee by the Speaker of the House of Representatives; and

(B) Six (6) members of the Senate shall be appointed to the Arkansas Health Insurance Marketplace Legislative Oversight Committee by the President Pro Tempore of the Senate.

(2) In making appointments, each appointing officer shall select members who have appropriate experience and knowledge of the issues to be examined by the Arkansas Health Insurance Marketplace Legislative Oversight Committee and may consider racial, gender, and geographical diversity among the membership.

(c)(1) The Arkansas Health Insurance Marketplace Legislative Oversight Committee shall study matters pertaining to the Arkansas Health Insurance Marketplace Act, § 23-61-801 et seq., as the Arkansas Health Insurance Marketplace Legislative Oversight Committee considers necessary to fulfill its mandate.

(2) The Arkansas Health Insurance Marketplace Legislative Oversight Committee may request reports from the Arkansas Health Insurance Marketplace pertaining to the operations, programs, or finances of the Arkansas Health Insurance Marketplace as it deems necessary.

(d) Annually by December 15, the Arkansas Health Insurance Marketplace Legislative Oversight Committee shall provide to the General Assembly any analysis or findings resulting from its activities under this section that the Arkansas Health Insurance Marketplace Legislative Oversight Committee deems relevant.

(e)(1) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Arkansas Health Insurance Marketplace Legislative Oversight Committee.

(2) The Arkansas Health Insurance Marketplace Legislative Oversight Committee shall meet at least quarterly upon the joint call of the cochairs of the Arkansas Health Insurance Marketplace Legislative Oversight Committee.

(3) A majority of the Arkansas Health Insurance Marketplace Legislative Oversight Committee constitutes a quorum.

(4) No action may be taken by the Arkansas Health Insurance Marketplace Legislative Oversight Committee except by a majority vote at a meeting at which a quorum is present.

(f) Members of the Arkansas Health Insurance Marketplace Legislative Oversight Committee are entitled to per diem and mileage reimbursement at the same rate authorized by law for attendance at meetings of interim committees of the General Assembly and shall be paid from the same source.

(g)(1) With the consent of both the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Arkansas Health Insurance Marketplace Legislative Oversight Committee may meet during a session of the General Assembly to perform its duties under this section.

(2) This subsection does not limit the authority of the Arkansas Health Insurance Marketplace Legislative Oversight Committee to meet during a recess as authorized by § 10-3-211 or § 10-2-223.

History. Acts 2013, No. 1500, § 2.

A.C.R.C. Notes. Acts 2013, No. 1500, § 4, provided: "Legislative intent.

"It is the intent of the General Assembly

by the enactment of this act to establish a private, nonprofit, health insurance marketplace."

CHAPTER 4

LEGISLATIVE AUDIT

SUBCHAPTER 4 — DIVISION OF LEGISLATIVE AUDIT

A.C.R.C. Notes. Acts 2013, No. 721, § 7, provided: “FUNDS. “In the event the Division of Legislative Audit of the Legislative Joint Auditing Committee should receive any funds in connection with performing their duties as prescribed by the Arkansas Scholarship Lottery Act, such funds shall be deposited into the State

Central Services Fund to be utilized solely by the Division of Legislative Audit of the Legislative Joint Auditing Committee in performing such duties.

“The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.”

10-4-408. Disbursing officer — Payment of salaries.

A.C.R.C. Notes. Acts 2013, No. 721, § 6, provided: “SALARIES. “Employees of the Division of Legislative Audit shall be eligible for cost-of-living increases on July 1, in an amount equal to that granted to all other state agency, board, commission or institution of higher education employees on those dates. Any additional adjustments in annual salary rates for Division employees, labor market adjustments, merit pay adjustments or employee retention or recruitment requirements shall be made at the discretion of the Legislative Auditor. In addition, the Legislative Auditor may implement a merit program to reward employees of the Division for exceptional service. The plan shall be ap-

proved by the Legislative Joint Auditing Committee prior to its implementation. In order that exceptionally well-qualified personnel may be recruited and retained, the Division of Legislative Audit may exceed the maximum salary levels by no more than twenty percent (20%) for no more than one-third ($\frac{1}{3}$) of the positions authorized in the appropriation act after receiving approval from the Arkansas Legislative Council or Joint Budget Committee. Salary payments in accordance with this section shall not be restricted to maximum amounts authorized by law.

“The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.”

10-4-411. Audits of entities of the state.

A.C.R.C. Notes. Acts 2013, No. 1374, § 19, provided: “SELECTION OF AUDITOR. The Legislative Auditor and Chief Fiscal Officer of the State shall jointly

select the independent auditor to audit the Comprehensive Annual Financial Report for the period ending June 30, 2014.”

CHAPTER 6

EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT

SECTION.

10-6-101 — 10-6-115. [Repealed.]

10-6-101 — 10-6-115. [Repealed.]

Publisher's Notes. This chapter was repealed by Acts 2013, No. 1465, § 7. This chapter was derived from the following sources:

- 10-6-101. Acts 1961, No. 486, § 1; A.S.A. 1947, § 4-118.
- 10-6-102. Acts 1961, No. 486, § 2; A.S.A. 1947, § 4-119.
- 10-6-103. Acts 1961, No. 486, § 3; A.S.A. 1947, § 4-120.
- 10-6-104. Acts 1961, No. 486, § 4; A.S.A. 1947, § 4-121.
- 10-6-105. Acts 1961, No. 486, § 5; A.S.A. 1947, § 4-122.
- 10-6-106. Acts 1961, No. 486, § 6; A.S.A. 1947, § 4-123.
- 10-6-107. Acts 1961, No. 486, § 7;

A.S.A. 1947, § 4-124; Acts 1999, No. 646, § 2.

10-6-108. Acts 1961, No. 486, § 8; A.S.A. 1947, § 4-125.

10-6-109. Acts 1961, No. 486, § 9; A.S.A. 1947, § 4-126.

10-6-110. Acts 1961, No. 486, § 11; A.S.A. 1947, § 4-128.

10-6-111. Acts 1961, No. 486, § 10; A.S.A. 1947, § 4-127.

10-6-112. Acts 1961, No. 486, § 12; A.S.A. 1947, § 4-129.

10-6-113. Acts 1961, No. 486, § 14; A.S.A. 1947, § 4-131.

10-6-114. Acts 1961, No. 486, § 13; A.S.A. 1947, § 4-130.

10-6-115. Acts 1961, No. 486, § 15; A.S.A. 1947, § 4-132.

TITLE 11

LABOR AND INDUSTRIAL RELATIONS

(CHAPTERS 8-15 IN VOLUME 7B)

CHAPTER.

2. DEPARTMENT OF LABOR.
3. LABOR RELATIONS AND PRACTICES.
4. WAGE AND HOUR REGULATIONS GENERALLY.

CHAPTER 2

DEPARTMENT OF LABOR

SUBCHAPTER.

1. GENERAL PROVISIONS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 11-2-111. Office — Employees — Location
of hearings.
- 11-2-124. Social media accounts of cur-

rent and prospective em-
ployees.

11-2-111. Office — Employees — Location of hearings.

(a) The Director of the Department of Labor is authorized to appoint a deputy director, a secretary, the heads of divisions, and such other employees as may be necessary. He or she is authorized to assign them to their duties and recommend to the General Assembly the salaries that are to be fixed by appropriation.

(b) The Department of Labor shall keep an office in the City of Little Rock and shall maintain such other office as shall meet the convenience of the department and the public.

(c) The members, employees, and agents of the department shall be entitled to receive from the state their necessary and actual expenses while traveling on the business of the department either within or without the State of Arkansas.

(d) The director and his or her authorized representatives may hold hearings at any place other than the Capitol when the convenience of the department and of the interested parties requires.

History. Acts 1937, No. 161, §§ 4, 5; Pope's Dig., §§ 8500, 8501; Acts 1941, No. 112, § 1; A.S.A. 1947, §§ 81-104, 81-105; Acts 1989, No. 927, § 2; 2013, No. 1151, § 1.

Amendments. The 2013 amendment deleted the last sentence in (b).

11-2-124. Social media accounts of current and prospective employees.

(a) As used in this section:

(1) "Employee" means an individual who provides services or labor for wages or other remuneration for an employer;

(2) "Employer" means a person or entity engaged in business, an industry, a profession, a trade, or other enterprise in the state or a unit of state or local government, including without limitation an agent, representative, or designee of the employer; and

(3)(A) "Social media account" means a personal account with an electronic medium or service where users may create, share, or view user-generated content, including without limitation:

(i) Videos;

(ii) Photographs;

(iii) Blogs;

(iv) Podcasts;

(v) Messages;

(vi) Emails; or

(vii) Website profiles or locations.

(B) "Social media account" does not include an account:

(i) Opened by an employee at the request of an employer;

(ii) Provided to an employee by an employer such as a company email account or other software program owned or operated exclusively by an employer;

(iii) Set up by an employee on behalf of an employer; or

(iv) Set up by an employee to impersonate an employer through the use of the employer's name, logos, or trademarks.

(C) "Social media account" includes without limitation an account established with Facebook, Twitter, LinkedIn, Myspace, or Instagram.

(b)(1) An employer shall not require, request, suggest, or cause a current or prospective employee to:

(A) Disclose his or her username and password to the current or prospective employee's social media account;

(B) Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or

(C) Change the privacy settings associated with his or her social media account.

(2) If an employer inadvertently receives an employee's username, password, or other login information to the employee's social media account through the use of an electronic device provided to the employee by the employer or a program that monitors an employer's network, the employer is not liable for having the information but may not use the information to gain access to an employee's social media account.

(c) An employer shall not:

(1) Take action against or threaten to discharge, discipline, or otherwise penalize a current employee for exercising his or her rights under subsection (b) of this section; or

(2) Fail or refuse to hire a prospective employee for exercising his or her rights under subsection (b) of this section.

(d) This section does not prohibit an employer from viewing information about a current or prospective employee that is publicly available on the Internet.

(e) Nothing in this section:

(1) Prevents an employer from complying with the requirements of federal, state, or local laws, rules, or regulations or the rules or regulations of self-regulatory organizations; or

(2)(A) Affects an employer's existing rights or obligations to request an employee to disclose his or her username and password for the purpose of accessing a social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the employer of allegations of an employee's violation of federal, state, or local laws or regulations or of the employer's written policies.

(B) If an employer exercises its rights under subdivision (e)(2)(A) of this section, the employee's username and password shall only be used for the purpose of the formal investigation or a related proceeding.

History. Acts 2013, No. 1480, § 1.

CHAPTER 3

LABOR RELATIONS AND PRACTICES

SUBCHAPTER.

2. HIRING PRACTICES.

SUBCHAPTER 2 — HIRING PRACTICES

SECTION.

11-3-204. Providing references to prospective employers.

11-3-204. Providing references to prospective employers.

(a)(1) A current or former employer may disclose the following information about a current or former employee's employment history to a prospective employer of the current or former employee upon receipt of written consent from the current or former employee:

(A) Date and duration of employment;

(B) Current pay rate and wage history;

(C) Job description and duties;

(D) The last written performance evaluation prepared prior to the date of the request;

(E) Attendance information;

(F) Results of drug or alcohol tests administered within one (1) year prior to the request;

(G) Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;

(H) Whether the employee was voluntarily or involuntarily separated from employment and the reasons for the separation; and

(I) Whether the employee is eligible for rehire.

(2) A school district or an officer, an agent, a servant, or an employee of a school district may disclose the information under subdivision (a)(1)(A)-(I) of this section and any additional information that may have some bearing upon the hiring of a current or former employee by a school district with or without the written consent of the current or former employee.

(3) The current or former employer disclosing the information is presumed to be acting in good faith and is immune from civil liability for the disclosure or any consequences of the disclosure unless the presumption of good faith is rebutted upon a showing by a preponderance of the evidence that the information disclosed by the current or former employer was false, and the current or former employer had knowledge of its falsity or acted with malice or reckless disregard for the truth.

(b)(1) The consent required in subsection (a) of this section must be on a separate form from the application form or, if included in the application form, must be in bold letters and in larger typeface than the largest typeface in the text of the application form. The consent form must state, at a minimum, language similar to the following:

"I, (applicant), hereby give consent to any and all prior employers of mine to provide information with regard to my employment with prior employers to (prospective employer)."

(2) The consent must be signed and dated by the applicant.

(3) The consent will be valid only for the length of time that the application is considered active by the prospective employer but in no event longer than six (6) months.

(c) The provisions of this section shall also apply to any current or former employee, agent, or other representative of the current or former employer who is authorized to provide and who provides information in accordance with the provisions of this section.

(d)(1) This section does not require any prospective employer to request employment history on a prospective employee and does not require any current or former employer to disclose employment history to any prospective employer.

(2) Except as specifically amended herein, the common law of this state remains unchanged as it relates to providing employment information on present and former employees.

(3) This section shall apply only to causes of action accruing on and after July 30, 1999.

(e) The immunity conferred by this section shall not apply when an employer or prospective employer discriminates or retaliates against an

employee because the employee or the prospective employee has exercised or is believed to have exercised any federal or state statutory right or undertaken any action encouraged by the public policy of this state.

History. Acts 1999, No. 1474, §§ 1-5; inserted present (a)(2) and redesignated 2013, No. 1039, § 1. former (a)(2) as (a)(3).

Amendments. The 2013 amendment

CHAPTER 4

WAGE AND HOUR REGULATIONS GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. MINIMUM WAGE LAW.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

11-4-101. Assignment of wages.

11-4-101. Assignment of wages.

No assignment or order for wages to be earned in the future to secure a loan of less than two hundred dollars (\$200) shall be valid against any employer of the person making the assignment or order until the assignment or order is accepted in writing by the employer and the assignment or order and the acceptance of it has been filed with the recorder of the county where the party making the assignment or order resides if a resident of this state or in the state where he or she is employed.

History. Acts 1911, No. 34, §§ 1, 2; C. & M. Dig., §§ 7133, 7134; Pope's Dig., §§ 9119, 9120; A.S.A. 1947, §§ 81-316, 81-317; Acts 2013, No. 1151, § 2.

Amendments. The 2013 amendment deleted (b).

SUBCHAPTER 2 — MINIMUM WAGE LAW

SECTION.

11-4-203. Definitions.

Effective Dates. Acts 2013, No. 457, § 2: Mar. 21, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that organized camps and religious and nonprofit educational conference centers begin preparations for summer camps and conferences several months before the summer season begins; that organized camps and religious and nonprofit educa-

tional conference centers need clarity about staff wages early in the season-preparation and planning process; and that this act is immediately necessary because organized camps and religious and nonprofit educational conference centers will be harmed if they cannot immediately construct an accurate picture of the costs of operating during the forthcoming summer season. Therefore, an

emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor

vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

11-4-203. Definitions.

As used in this subchapter:

- (1) "Director" means the Director of the Department of Labor;
- (2) "Employ" means to suffer or to permit to work;
- (3) "Employee" means any individual employed by an employer but shall not include:

- (A) Any individual employed in a bona fide executive, administrative, or professional capacity or as an outside commission-paid salesperson who customarily performs his or her services away from his or her employer's premises taking orders for goods or services;

- (B) Any student performing services for any school, college, or university in which he or she is enrolled and is regularly attending classes;

- (C) Any individual employed by the United States;

- (D) Any individual engaged in the activities of any educational, charitable, religious, or nonprofit organization in which the employer-employee relationship does not in fact exist or in which the services are rendered to the organizations gratuitously;

- (E) Any bona fide independent contractor;

- (F) Any individual employed by an agricultural employer who did not use more than five hundred (500) man-days of agricultural labor in any calendar quarter of the preceding calendar year;

- (G) The parent, spouse, child, or other member of an agricultural employer's immediate family;

- (H) An individual who:

- (i) Is employed as a hand-harvest laborer and is paid on a piece-rate basis in an operation that has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment;

- (ii) Commutes daily from his or her permanent residence to the farm on which he or she is so employed; and

- (iii) Has been employed in agriculture less than thirteen (13) weeks during the preceding calendar year;

- (I) A migrant who:

- (i) Is sixteen (16) years of age or under and is employed as a hand-harvest laborer;

- (ii) Is paid on a piece-rate basis in an operation that has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment;

- (iii) Is employed on the same farm as his or her parents; and

(iv) Is paid the same piece-rate as employees over sixteen (16) years of age are paid on the same farm;

(J) Any employee principally engaged in the range production of livestock;

(K) Any employee employed in planting or tending trees, cruising, surveying, or felling timber or in preparing or transporting logs or other forestry products to the mill, processing plants, or railroad or other transportation terminal if the number of employees employed by his or her employer in the forestry or lumbering operations does not exceed eight (8);

(L) An employee employed by a nonprofit recreational or educational camp that does not operate for more than seven (7) months in any calendar year;

(M) A nonprofit child welfare agency employee who serves as a houseparent who is:

(i) Directly involved in caring for children who reside in residential facilities of the nonprofit child welfare agency and who are orphans, in foster care, abused, neglected, abandoned, homeless, in need of supervision, or otherwise in crisis situations that lead to out-of-home placements; and

(ii) Compensated at an annual rate of not less than thirteen thousand dollars (\$13,000) or compensated at an annual rate of not less than ten thousand dollars (\$10,000) if the employee resides in the residential facility and receives board and lodging at no cost;

(N) An employee employed in connection with the publication of a weekly, semiweekly, or daily newspaper with a circulation:

(i) Of less than four thousand (4,000); and

(ii) The major part of which is within the county in which the newspaper is published or counties contiguous to the county in which the newspaper is published;

(O) An employee employed on a casual basis in domestic service employment to provide:

(i) Babysitting services; or

(ii) Companionship services for individuals who are unable to care for themselves because of age or infirmity;

(P) An employee engaged in the delivery of newspapers to retail subscribers;

(Q) A home worker engaged in:

(i) Making wreaths composed principally of natural holly, pine, cedar, or other evergreens; and

(ii) Harvesting natural holly, pine, cedar, and other evergreens used in making such wreaths; or

(R)(i) An individual employed by an establishment that is an organized camp or a religious or nonprofit educational conference center if:

(a) The organized camp or a religious or nonprofit educational conference center does not operate for more than seven (7) months in a calendar year; or

(b) During the preceding calendar year, the average receipts of the organized camp or a religious or nonprofit educational conference center for any six (6) months of the preceding calendar year were not more than thirty-three and one-third percent (33 ⅓%) of the average receipts of the organized camp or a religious or nonprofit educational conference center for the other six (6) months of the preceding calendar year.

(ii)(a) This subdivision (3)(R) is effective retroactively as of January 1, 2006.

(b) The retroactive effect of this subdivision (3)(R) does not impose liability on the Department of Labor or on an employee to repay damages, back wages, civil money penalties, or other moneys collected or paid by the department or received by an employee.

(4)(A) "Employer" means any individual, partnership, association, corporation, business trust, the State of Arkansas, any political subdivision of the state, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

(B) "Employer" shall not include any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee for any work week in which fewer than four (4) employees are employed;

(5) "Gratuities" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered;

(6) "Independent contractor" means any individual who contracts to perform certain work away from the premises of his or her employer, uses his or her own methods to accomplish the work, and is subject to the control of the employer only as to the result of his or her work;

(7) "Man-day" means any day during any portion of which an employee performs any agricultural labor. Any individual otherwise excluded as an employee under subdivision (3)(I) of this section shall be considered an employee in computing man-days of agricultural labor;

(8) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed; and

(9) "Wage" means compensation due to an employee by reason of his or her employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by this subchapter or by regulations of the director under this subchapter.

History. Acts 1968 (1st Ex. Sess.), No. 25, § 2; 1977, No. 345, § 1; 1979, No. 1095, § 1; 1983, No. 698, § 1; A.S.A. 1947, § 81-320; Acts 1989, No. 360, § 1; 1999, No. 1369, § 1; 2001, No. 1423, § 1; 2003,

No. 212, § 1; Acts 2006 (1st Ex. Sess.), No. 15, § 1; 2006 (1st Ex. Sess.), No. 16, § 1; 2007, No. 545, § 1; 2013, No. 457, § 1; 2013, No. 1128, § 1.

Amendments. The 2013 amendment by No. 457 added (3)(R). dents,” “he or she is” for “they are,” and “is” for “are.”

The 2013 amendment by No. 1128, in (3)(B), substituted “Any student” for “Stu-

